**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and
NICE SYSTEMS, LTD.,
 	
     *Plaintiff and Counterclaim
     Defendant*,
 	
     v.
 	
WITNESS SYSTEMS, INC.,
 	
     *Defendant and Counterclaim
     Plaintiff.*
	Civil Action No. 06-311-JJF

**DEFENDANT WITNESS SYSTEMS, INC.'S
CLAIM CONSTRUCTION REFERENCE TABLE**

In order to assist the Court in construing the claim terms in dispute, Defendant

Witness Systems, Inc. ("Witness Systems") submits this Claim Construction Reference

Table.

Where the parties' Amended Joint Claim Construction Chart separately lists

multiple iterations of a single disputed term without substantial phrasing differences (*e.g.*,

singular versus plural), Witness Systems has proposed the same construction for all

iterations and lists only one iteration of the term in this table and in its briefs and

presentation. Nevertheless, the same arguments apply with equal force to all iterations of

the disputed terms, and the Court should adopt Witness Systems proposed construction of

all iterations of the disputed term.

In addition, since the filing of the parties' Amended Joint Claim Construction

Chart on May 10, 2007, the parties have agreed to compromise constructions of several

disputed terms. In such instances, the footnotes to the following table contain the parties'

compromise constructions.

Term Number	Claim Term	Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number
Patent Nos. 6,249,570, 6,728,345, & 6,785,370[1]				
1	telephone call	9-13	5	1–2
2	telephone call segments	14-15	5–6	2–3
2(a)[2]	telephone call segment	14-15	5-6	2-3
3	Segment	16-22	6–7	3–4
4	telephony event	23-28	7–9	4
5	data representation	29-41	9–12	5–7
6	data representation of a lifetime of the telephone call	29-41	9–12	5–7
7	call record	29-41	9–12	5–7
8	master call record	29-41	9–12	5–7
9	constructing a data representation of a lifetime of the telephone call using data regarding telephony events associated with the telephone call segments of the telephone call	42-48	13–14	7–8
10	wherein said data representation are constructed using data regarding telephony events associated with telephone call segments	42-48	13–14	7–8

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[1] In addition to the disputed terms listed here, Witness Systems has agreed to NICE's proposed construction of "real-time link": "a data link providing data regarding telephony events during the call at the occurrence of each telephony event."

[2] Witness Systems initially offered a construction of the singular, "telephone call segment," while NICE offered a construction of the plural, "telephone call segments." The parties have now agreed to constructions of both terms. *See* Witness Systems' Presentation Slide Nos. 14-15 ("'telephone call segments': Portions of a telephone call that are each bounded by telephony events" and "'telephone call segment': Portion of a telephone call that is bounded by telephony events").

Term Number	Claim Term	Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number
11[3]	matching a received telephony event with a constructed call record	49-54	14–15	8–9
12[4]	combining said updated call record with data indicating one or more locations of recorded audio data for two or more segments of the call	55-60	15	9
Patent No. 5,396,371				
13	Buffer	64-69	16–18	10
14	digital audio tape	70-75	16–18	10
15	writing the audio data from the buffer onto a digital audio tape and a random access storage device	76-83	18–20	11–13
16	pair of pointers	84-88	20–22	13–14
17	the first of said pointers operative for transmitting audio data to said random access storage device from said buffer and the second of said pointers being operative to send audio data from said random access storage device to said controller	89-94	20–22	13–14
Patent No. 5,274,738				
18	Audio processor	98-103	23–24	15
19	digital signal processor	104-111	24–26	15–16
20	application processor	104-111	24–26	15–16

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[3] Witness Systems' proposed construction of term 11 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: "Calculating to resolve an ambiguity as to whether a received telephony event is part of a constructed call record."

[4] Witness Systems' proposed construction of term 12 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: "Storing data indicating one or more locations of recorded audio data for two or more segments of the call in an updated call record, where the updated call record does not previously have such location data."

Term Number	Claim Term	Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number
Patent No. 5,819,005				
21	circuit modules in said housing for converting analog voice signals to digital voice signals	115-121	26–28	16–17
22	a circuit in said housing for compressing said digital voice signals	115-121	26–28	16–17
23	analog voice signals	122-125	28	17
24	digital audio tape	126-131	28–29	18
Patent No. 6,775,372				
25	telecommunications ("telecom") stage	134-139	30–31	18
26	distribution stage	140-144		
27[5]	wherein at least two stages of the system are physically separable and in operation can be located wide distances apart		31-32	19
28	Web server	145-150	32–33	19-20
Patent No. 6,870,920				
29	Web server	154-160	33–34	20
30	receiving a request for retrieval of stored data	161-166	34–35	20–21
31	retrieving stored data	161-166	34–35	20–21
32	transferring the retrieved data	161-166	34–35	20–21
33	digital logger	167-171	35	21–22
34[6]	record of an input channel	172-177	35–37	22
35[7]	record of a communication channel	172-177	35–37	22
Patent No. 6,959,079				

[5] The parties have recently agreed that term 27 does not require construction. Accordingly, Witness Systems does not address this term in its presentation.

[6] Witness Systems' proposed construction of term 34 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: "Record corresponding to an input channel."

[7] Witness Systems' proposed construction of term 35 differs from the construction in the parties' Amended Joint Claim Construction Chart. Witness Systems has offered the following construction as a compromise: "Record corresponding to a communication channel."

Term Number	Claim Term	Presentation Slide Number	Witness Opening Brief Page Number	Witness Response Brief Page Number
36	event manager	180-186	37–38	22–23
37	predefined monitoring condition	187-192	38–39	23
Patent No. 7,010,109				
38	Conference controller	195-202	41–44	24
39	through a conference controller	195-202	41–44	25
40	recording device	203-207	44–45	25
41	entering the recording device to the conference call as an additional participant	208-212	45	25–26
42	IP data Session	213-219	46–47	26–27
43	the portion of the IP data session	220-225	47–49	27–28

Dated: June 26, 2007   FISH & RICHARDSON P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2007, I electronically filed with the

Clerk of Court the attached **DEFENDANT WITNESS SYSTEMS, INC.'S AMENDED**

RULE 7.1 STATEMENT using CM/ECF which will send electronic notification of such

filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via

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